

UNITED STATES DISTRICT COURT

for the

Western District of Arkansas

United States of America)

v.)

Elwyn D. Good)

Case No: 5:02CR50066-001

USM No: 06542-010 or 25318-112

Date of Previous Judgment: 09/16/2003)

James B. Pierce

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 151 months months is reduced to 130 months .

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33

Amended Offense Level: 31

Criminal History Category: V

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Previous Guideline Range: 210 to 262 months

Amended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

At the initial sentencing, the court granted a 3-level departure for substantial assistance resulting in a total offense level of 30 and a guideline range of 151 to 188 months. After the reduction, a 3-level departure results in a total offense level of 28 and a guideline range of 130 to 162 months.

Except as provided above, all provisions of the judgment dated 09/16/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date:

April 25, 2008

Judge's signature

Effective Date:

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

Jimm Larry Hendren, Chief U.S. District Judge

Printed name and title

APR 25 2008

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK